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Cat-and-mouse game with hookers

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By Torsten Ove / Pittsburgh Post-Gazette

They call it the "cop check."

A prostitute from Alaska used it the other day in Monroeville.

After a man arranged online to meet her in a hotel parking lot, she walked up and -- without saying a word -- grabbed his crotch.

"I have your whole world right here," she said, laughing, as she clutched him through his pants and guided him into the hotel.

"She was practically dragging me," the man said. "I said, 'Well, let's rock that world.' "

The cop check failed, though. The man was an undercover Monroeville police officer, and he and a team of officers later arrested her in a hotel room after she offered sex for \$200, according to an affidavit.

This kind of prostitution bust goes on every day at area hotels, which have asked police to do something about increasingly savvy hookers traveling here from as far off as California, Texas, Nevada and Hawaii.

The cop check is just one technique women use to tell a cop from a customer, police say. Schooled by the Internet, experience and fellow prostitutes, they post lookouts, frisk johns, demand that men get naked or ask them to fondle them. They think cops will balk at such demands, but they're wrong.

"These girls take it to another level," said the Monroeville officer, who has worked prostitution stings for 18 years and asked that his name not be used.

"Often it's more physical than verbal. They do the crotch grab, they have counter-surveillance. The more questions you ask, the more you look like a cop."

Typically this cat-and-mouse game plays out quietly behind hotel room doors.

But it's become news in Green Tree, where police Chief Andrew Lisiecki has been the subject of reports that he allowed a Florida woman to begin performing a sex act on him in a hotel room Sept. 9 before his two-man backup team made the bust.

Using a standard practice for stings, the chief answered an ad on pittsburgh.backpage.com for "Island Hottie," who offered her services for \$250 an hour in Green Tree without specifying what she meant. She was later identified as Akudo Esther Duru, 32, of Fort Lauderdale.

According to Chief Lisiecki's affidavit, the two met at the Radisson Green Tree and took off their clothes at her request. He asked her whether she wanted her "donation," code for payment. After she said "put it on the table," the affidavit says, the woman used her hand to start a sex act. He said he stopped her and told her he wanted more but needed protection. When she pulled out a condom, he told her she was under arrest and signaled his entry team.

Chief Lisiecki said the appearance of a condom is an obvious indication of sexual intent and predicate for an arrest.

The chief has since been pilloried by some in his community who say he went too far, but prosecutors and police who work stings here and in other cities say he did nothing wrong. Touching, they say, is sometimes necessary because veteran hookers are careful not to verbalize sex acts.

One online tutorial for prostitutes offers this advice:

"If the customer doesn't want to put his hands under your skirt while you share a drink at the bar, ask yourself why. Always be very physical, touchy-feely, and ask questions regarding sexual desire. 'What do you want me to do for you?' is a perfect example."

'Definite fondle'

Chief Lisiecki, a former Pittsburgh police lieutenant who became chief of the 10-man Green Tree force last year, said criticism of his conduct is unfair and has hurt his wife and children. Like other officers involved in stings, he said he doesn't enjoy physical contact with prostitutes, many of whom are drug addicts and are at risk for sexually transmitted diseases.

"I don't like being touched by these girls but sometimes you can't avoid it," he said. "It depends on how aggressive the girls are. Some will not voice any sex act, so you can't make the arrest."

He said he decided to do stings himself because hotels in his community have asked for help, but his force is small and he won't make officers work a detail if they don't want to. "A lot of guys don't want to do this work," he said.

At least 25 recent affidavits collected from Green Tree, Moon, Monroeville, Findlay and Pittsburgh indicate that his tactics are not uncommon. The documents show that cops often take their clothes off and touch or allow themselves to be touched, usually through clothes but sometimes skin-to-skin.

While it's legal, some officers don't think this is a good idea.

Moon police Chief Leo McCarthy said he plans to review the department's procedures in light of the Lisiecki uproar. Some lawyers also question whether contact is appropriate. The law simply states that prostitution occurs when an agreement is made to exchange money for sex.

"Even if you gave the officers the benefit of the doubt, if they got undressed, it's more than enough to make the arrest," said Blaine Jones, an attorney who has offered to represent Ms. Duru. "Touching should be out of the question. It's unnecessary."

David Harris, a University of Pittsburgh law professor, said police from other departments around the country usually make arrests after a verbal agreement.

"It's not illegal for him to do what he did," he said of Chief Lisiecki. "It is simply unusual, in my experience, for this kind of thing to happen. I'm not sure he had to go that far to make the arrest."

Chief Lisiecki disputed that notion, however, saying he has received messages of support from vice units around the country who use similar techniques.

Police in Indianapolis, for example, have what they call a "definite fondle" policy, an internal set of rules in which officers are instructed to wait until the prostitute touches them before making the arrest.

"Most (prostitutes) know not to talk," said Sgt. Jon Daggy, late-shift supervisor of the Indianapolis vice unit. "They put you through these tests to see if you're a cop. In many cases they've been coached by lawyers."

Lt. Bill Mathias, head of the city's vice and narcotics unit, said police tactics have changed to keep up with prostitutes. Cops try to make arrests without contact or nudity, he said, but many hookers ask them to undress. If a man hesitates, his cover is blown.

"Our guys regularly get naked," he said. "The prostitutes are more educated these days. It's like the CSI effect."

As the affidavits make clear, hookers are quick to grab and grope.

"OK, let's do the touch test," Sofia Ezquerro-Gutierrez, 19, of Holiday, Fla., said to an undercover city officer during a July encounter at the Downtown

Hilton, according to an affidavit. "You touch me and I will touch you to make sure everything is OK."

The woman then frisked the officer and asked to see his wallet. "Just making sure there are no badges in there," she said.

Police say hookers often travel from city to city in pairs, with one doing surveillance and screening clients while the other gets down to business. And many are wary because they've been arrested before.

Angela Sanders, 35, the prostitute from Alaska, was arrested for prostitution last year in Illinois, where she now lives, and has also been busted in California, Texas, Arizona and other states. She came to Pittsburgh because she "heard it was the place to be," police said.

Another woman, Gina Imbrogno, 21, of Buffalo, who advertised herself as "Diamond" on backpage.com, was arrested by Moon police in July. A few weeks later, she advertised herself again, this time as "Angel," and was busted by Chief Lisiecki.

The prostitutes, who often carry laptops to keep track of appointments and post online ads, keep working because they make good money despite the occasional arrest. Some can clear \$5,000 in a weekend, police said. If they have to pay a \$300 fine now and then, "That's the cost of doing business," said Chief Lisiecki.

Legal standards

Prostitution is often referred to as a victimless crime, but police say it isn't because it attracts other crime that can degrade the community. If independent prostitutes are permitted to work, detectives say, the stage can be set for an organized ring to move in and control the sex trade.

"The prostitutes know that most suburbs don't have dedicated vice units," said Sgt. Daggy in Indianapolis.

What's more, police say, prostitution is rampant.

During one bust at a Monroeville hotel, officers learned that five hookers were working the same building that day. In Moon, which has 15 hotels, police have made 33 busts this year. In the city, Lt. Mathias said, officers arrest between five and 10 prostitutes every day.

In the wake of the Green Tree incident, several departments have asked the district attorney's office for guidelines on stings. But there are no hard rules now.

Lawyers can generally challenge arrests on two fronts: entrapment and "outrageous government conduct," but neither usually succeeds.

"It's hard to draw generalities [on how stings are run]." said Richard Long, executive director of the Pennsylvania District Attorneys Association. "It's a case-by-case consideration for a judge to decide."

Entrapment happens when an officer deceives an innocent person into committing a crime. Interstate hookers rarely fall into that category.

The second defense requires a lawyer to prove that outrageous police conduct violated due process. The landmark state case involves a 2006 arrest in Allentown, Lehigh County, after state troopers paid an informant to enter a spa where sex was being offered in a back room. The man wore a body wire and returned four times for what Lehigh County Judge Robert Steinberg called a "smorgasbord" of sex acts with two women.

Afterward the troopers and the informant laughed about the man's escapades. Judge Steinberg ruled that the man did not need to have sex four times for police to gain enough evidence for search warrants and said a verbal agreement for sex acts would have sufficed.

"We expect more from the police, and demand that they conduct their investigations and utilize their resources without resorting to such embarrassing investigative techniques," the judge wrote. "No standards existed for this type of investigation, and some of the behavior by the participants was sophomoric."

He dismissed the case and prosecutors appealed, but last year Superior Court upheld the ruling.

The Allentown investigation, however, was nothing like the stings at local hotels.

"There's no way a hooker touching a john would reach that standard," said Bruce Antkowiak, a Duquesne University law professor and a former federal prosecutor. "It would have to go pretty far."

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